

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KIPP SMILEY AND AARON SAPP, individually and on behalf of all others similarly situated, Plaintiffs,	)	No. 2:14-cv-01539-CRE
v.	)	
ROC SERVICE COMPANY, LLC, Defendant.	)	MAGISTRATE JUDGE EDDY
	)	
	)	
	)	

**ORDER OF PRELIMINARY APPROVAL, NOTICE TO THE  
SETTLEMENT CLASS, AND CLASS CERTIFICATION**

Upon consideration of the Motion for Preliminary Approval of Class & Collective Action Settlement, and its supporting exhibits; and

It appearing that the proposed settlement is fair and reasonable; and

It further appearing that the Notice of Class Action, Proposed Settlement and Settlement Hearing will be sent to all Class Members,

It is therefore ORDERED this 27<sup>th</sup> day of April, 2015:

1. That the parties' class-wide settlement is preliminarily fair and reasonable;
2. That plaintiffs Kipp Smiley and Aaron Sapp are appointed as the representative plaintiffs;
3. That Bruckner Burch PLLC (including Richard J. Burch) and Fibich, Leebron, Copeland, Briggs & Josephson LLP (including Andrew Dunlap) are appointed as class counsel for the Settlement Class;
4. That for purposes of settlement under the Fair Labor Standards Act (29 U.S.C. § 216(b)) and Rule 23(b)(3) of the Federal Rules of Civil Procedure, a Settlement Class is certified consisting of the following Class:

Employees of defendant ROC Service Company, LLC who were paid a salary plus a day-rate at any time between January 20, 2012 and March 9, 2015.

5. That as provided in the parties' filed Stipulation of Settlement and Release, within twenty (20) calendar days of the date of this Order, Defendants shall provide the Claims Administrator with list of each Class Member's name, last known address, dates of employment, and number of overtime hours worked during the class period. Within fifteen (15) calendar days after the list is provided to the Claims Administrator, the Claims Administrator will mail the Class Notice and the Claim Form to the Class Members;
6. That Class members shall opt-out, lodge objections, or submit claims as set forth in the Notice (including the Claim Forms), which were jointly proposed by the parties and filed with the Court;
7. That the parties shall cooperate in effectuating all terms of the parties' Stipulation of Settlement and Release, including exchange of information needed, identifying a class list, provision of necessary data, facilitation of the distribution process, and other issues as they arise.
8. That the form and content of the Notice of Class Action, Proposed Settlement and Settlement Hearing, and attendant Claim Form, are adequate, proper, comport with Due Process and are hereby approved;
9. That the Notice of Class Action, Proposed Settlement and Settlement Hearing, and its delivery to the Class members by U.S. Mail, is hereby found to be a suitable means of providing notice to the members of the Class and will constitute due and sufficient notice of the proposed Settlement to all persons; and
10. That a fairness hearing be held on September 22, 2015 at 10:30 A.m. in Courtroom 10A. As provided in the Notice of Class Action, this date and time may be changed without the necessity of further notice to the Class members.
11. That Counsel for the parties are hereby authorized to jointly use all reasonable procedures in connection with approval and administration of the settlement that are not materially inconsistent with this Order or the Stipulation of Settlement, including making, without further approval of the Court, minor changes to the form or content of the Notice, and other exhibits that they jointly agree are reasonable or necessary.

SO ORDERED:

  
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Cynthia R. Eddy, U.S. Magistrate Judge